

REMARKS

By this response, claims 1-11, 16-34 and 37 have been cancelled, and claims 39-46 have been added. Therefore, claims 35-36 and 38-46 are now pending in the application.

The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claim 38 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Peddie et al. (U.S. Pat. No. 4,351,028). This rejection is respectfully traversed.

As amended herein, independent claim 38 recites a method of communicating information relating to a utility service which includes, among other things, communicating a disconnect command from a utility host to a control assembly when the amount of prepaid service in the customer account is exhausted, and **implementing the disconnect command at a specified time of day**. Emphasis added. By implementing the disconnect command at a specified time of day – and not simply when the amount of prepaid service in the customer account is exhausted – a prepaid utility service provider can avoid disrupting the utility service at an undesirable time, such as when the utility host's offices are closed, during nighttime hours, etc.

In contrast, Peddie merely discloses disconnecting (or limiting) an electric utility service to a customer **"when the credit is exhausted."** See col. 1, lines 63-66 (emphasis added). Additionally, Peddie discloses giving a warning to the consumer, e.g., by a momentary interruption of the supply to the load, shortly **before** the

outstanding credit is used up. See column 1, lines 52-60. Peddie does not, however, teach or suggest implementing a disconnect command at a specified time of day as recited by amended claim 1. In fact, by disconnecting the utility service "when the credit is exhausted," Peddie teaches away from disconnecting the utility service "at a specified time of day" as recited by claim 1. Accordingly, Peddie fails to anticipate the subject matter recited by amended claim 38.

For these reasons, the Examiner is respectfully requested to reconsider and withdraw the §102 rejection of claim 38.

REJECTION UNDER 35 U.S.C. § 103

Claims 35 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Peddie et al. (U.S. Pat. No. 4,351,028) in view of Frew et al. (U.S. Pat. No. 4,803,632). This rejection is respectfully traversed.

As amended herein, claim 35 recites a communication system configured to, among things, implement a disconnect command from the utility host at a specified time of day. Emphasis added.

In contrast, and as explained above with respect to claim 38, Peddie fails to disclose or suggest disconnecting power to a customer at a specified time of day.

Similar to Peddie, Frew provides an audible and/or visual warning to a customer when the customer account reaches a predetermined low level current, before the utility is shut off. See col. 10, lines 20-23. Like Peddie, however, Frew lacks any teaching or suggestion of implementing a disconnect command from a utility host at a specified time of day as recited by amended claim 35. Thus, even assuming

arguendo that it would have been proper to combine Peddie and Frew in the manner suggested, the suggested combination would not include implementing a disconnect command from a utility host at a specified time of day as recited by claim 35. Thus, the suggested combination fails to render obvious claim 35, and claim 36 which depends therefrom.

For these reasons, the Examiner is respectfully requested to reconsider and withdraw the §103 rejection of claims 35 and 36.

NEW CLAIMS

By this amendment, new claims 39-45 have been added. Support for these claims can be found in the application as filed, including in paragraphs 0092-0095. No new matter has been added.

Claims 39 and 40 depend from claims 35 and 38, respectively, and are therefore patentable for at least the same reasons as those explained above relative to claims 35 and 38.

New Independent claim 41 recites a communication system which is configured to implement a restore command from a utility host *only when someone is present at the customer premises*. Similarly, new independent claim 44 recites a method for communicating information relating to a utility service provided to a customer premises which includes, among other things, implementing a restore command *only when someone is present at the customer premises*. The cited references fail to disclose or suggest this recited subject matter. Accordingly, the Examiner is respectfully requested

to allow new independent claims 41 and 44, and new claims 42-43 and 45-46 which depend therefrom.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Respectfully submitted,

Dated: 6-2-08

By: 

Michael J. Thomas
Reg. No. 39,857

HARNESS, DICKEY & PIERCE, P.L.C.
7700 Bonhomme, Suite 400
St. Louis, Missouri 63105
(314) 726-7500

MJT/mg